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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 295th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 May 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Zimbabwe (CRC/C/3/Add.35) (continued)

1. Mrs. DHLEMBEU (Zimbabwe), replying to the question on machinery allowi children in institutions to lodge complaints, said that all children in institutions were monitored by a probation officer who kept their case under constant review and was in permanent contact with them. Complaints could be lodged through the probation officer who would decide if the matter needed t go to court, for example.

2. Mr. STAMPS (Zimbabwe) explained that there was no clear channel throug which children could make a formal complaint.

3. Mrs. MSIKA (Zimbabwe) said, with regard to the question on paragraph 6 of the report (CRC/C/3/Add.35), that sexual intercourse with a child under 16 years of age was treated as statutory rape. The monetary damages awarded in cases of seduction of a child over 16 years of age were paid to t parent or guardian on the child's behalf.

4. Mr. STAMPS (Zimbabwe), said that, in the case of a child who was being sexually abused by a member of his or her family, decisions on the removal the child depended on the individual circumstances. There was a problem in Zimbabwe in so far as women were often reluctant to report abuse of their children because of their dependence on the male wage-earner, the cultural background of male supremacy, and a sense of shame that they had failed in their duty as wives. Certain non-governmental organizations (NGOs) were trying to overcome such attitudes by providing assistance to households hea by women. Similarly, victim-friendly courts would be introduced to protect victims and women and encourage them to come forward and report child abuse However, such cases were few and far between in Zimbabwe.

5. With regard to measures to minimize the consequences of economic refo and loss of income, he said that the minimum wage stood at Z$ 284 per month part of which could be paid in kind, and that Z$ 400 was the threshold belo which people were entitled to free education, health care and other service All rural health institutions up to district hospital level were free.

6. As to the question on single-parent families, he said that the 1992 census had shown that 3 families in 10 were headed by a woman. Th figure, however, did not take account of single-parent families headed by m The census had also brought to light the disturbing fact that 3,400 familie were headed by minors which might be due to the number of premature deaths from HIV/AIDS, to family breakups and to desertions.

7. It was difficult to quantify the incidence of domestic violence. Eff were being made to encourage the police to respond effectively to reports o domestic violence and overcome the attitude that such violence was a domest and hence a private, affair. NGOS were assisting in identifying problems

linked to domestic violence and in providing solutions such as counselling which, although expensive, were bearing fruit. Many Churches were similarly involved.

8. Cases of unfit parents guilty of child abuse were dealt with through the formal legal system. However, the courts tried to avoid custodial sentences if possible, and preferred to promote community rehabilitation and community care programmes.

9. On the question of foster care, he said that people tended to be reluctant to introduce a foreign element into their natural family, an attitude that could be overcome only through education. Children's homes were financed by a combination of private capital, voluntary donations, fund-raising activities and limited government grants. There were some 31 children's institutions in Zimbabwe.

10. Mrs. DHLEMBEU (Zimbabwe), replying to the question on the intercountry adoption of Zimbabwean children, said that adoptions were governed by the Children's Protection and Adoption Act. Zimbabwean children were not put up for adoption outside the country. Foreign nationals living in Zimbabwe who wished to adopt a Zimbabwean child needed the consent of the authorities and were thoroughly screened.

11. Mr. STAMPS (Zimbabwe), referring to the reluctance to give surnames to abandoned children, said that Zimbabwe had an unusual naming system whereby people often chose their surname late in life. Government gazettes issued lists of the names changed by deed poll. The registration of births was also a problem. The system adopted following independence whereby district administrations could issue birth certificates to anyone provided they had a witness who would testify to the place of birth had been open to abuse. New legislation was being considered according to which birth certificates could be obtained from schools, hospitals or the place of birth. The difficulties regarding the naming process were often used as an excuse for not providing a child with a birth certificate.

12. With regard to the monitoring of children in mental institutions, he said that Zimbabwe was in the process of drafting a revised Mental Health Act under which hospital boards would be set up to monitor the condition of patients, along with boards of guardians to look after children's property while they were in an institution and boards of judges who would decide whether continued care in a mental institution was justified.

13. Mrs. KARP welcomed the apparent commitment in Zimbabwe to the establishment of complaint procedures for children in care. Additional information was needed on the structure and aims of the victim-friendly courts.

14. Mr. STAMPS (Zimbabwe) said that when the courts were set up they would be designed so that the victim did not have to come face to face with the person who had attacked or abused him or her. A relative or social worker would be present when the child was making his or her statement. Efforts were being made to encourage defence counsel, in particular, to treat abused children with tact and sensitivity during trials.

15. Mrs. MUSARURWA (Zimbabwe) said that the courts would be an interdisciplinary structure. Special police officers and nurses had been trained in how to deal with abused children so that, from the moment the child reported to a police station, he or she would be provided with the care and sympathy needed. After a hospital examination, the child would be seen by a social welfare officer who would begin the rehabilitation and follow-up process immediately. Children's statements to the police would be transcribed in the vernacular they used to avoid any misinterpretation.

16. Mrs. SANTOS PAIS asked whether unmarried mothers were treated differently from married mothers, adding that a father's contribution to family life was important, as well as a mother's. Secondly, in view of the drift to urban areas in search of work, the growing disintegration of the extended family, the fact that too few families were prepared to foster abandoned children and the fact that placing children in institutions was unsatisfactory, adoption might seem attractive. It was imperative, however, that safeguards should be in place, difficult though they might be to monitor in cases where a child was adopted by a family in another country. She also asked for more informat on about education in the commercial farming areas. While admirably self-critical, the report aroused concern, with its reference to the lack of adequate teaching. Moreover, school attendance in such areas was neither compulsory nor free, which might encourage families not to educate their daughters.

17. Mr. KOLOSOV repeated his question about intercountry adoption, in the light of paragraph 107, which implied that Zimbabwe had no legislation on the matter. In his view such adoption should in any case be a last resort: it might be in the "best interests" of the child to remain in its own country. If Zimbabwe acceded to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, it might help its adoption procedures; that might be preferable to making a child's future dependent on the subjective decision of a Minister. The Committee felt that the State party from which a child was adopted continued to bear responsibility for the way in which a child was brought up abroad.

18. Mrs. EUFEMIO asked whether Zimbabwe had any plans to ratify the Hague Convention on the Civil Aspects of International Child Abduction, given that the illicit transfer and non-return of children remained a possibility. She noted that, according to paragraph 90, a child under 16 could not hold a passport of his own; yet it was important to enable a child to travel from one parent to another, especially in cases where the parents were separated.

19. She was impressed by the educational arrangements for children aged three to six. It was the most important age at which to socialize children and she wondered whether the opportunity for changing attitudes through games and social drama was taken.

20. Miss MASON said that in many countries teachers' salaries had fallen, as had their prestige. She wished to know about the situation in Zimbabwe as far as teachers' salaries and training were concerned and what the teacher-pupil ratio was. She also asked, given the ethnic diversity of the population, what the country's policy was with regard to the teaching of culture and what priority was given to inculcating an interest in the environment.

21. Mr. STAMPS (Zimbabwe) said that, contrary to the statement in paragraph 90, children under 16 could have their own passport, or else travel on their parents'. Zimbabwean children had very extensive freedom of movement. As for the non-return of children, Zimbabwe had ratified the Hague Convention on the Civil Aspects of International Child Abduction in 1995. With regard to the possession of citizenship, it had been proposed to allow children to choose the citizenship of either parent, regardless of whether the parents were married. His country also intended to make a man and a woman equally entitled to residence and citizenship, whether or not they were married.

22. With regard to health and education in farming areas, he said that the Government gave tax concessions to farmers who built clinics and schools in their areas; the Ministry of Education then paid a grant for teachers' salaries. Zimbabwe's problem was an exponential growth in the need for teachers. As for training, the country had come a long way since independence, but despite the existence of a number of training colleges the quantity and quality of teachers was still deficient. Good teachers, however, were very much in demand. Efforts were being made to train more indigenous teachers, but resources were spread thinly. In some areas private organizations and international firms were providing assistance, but some children still had to walk 20 kms a day to and from school.

23. The need to provide adequate housing had been a major concern, given the paradox that the richest farms often had the worst housing for their workers, or indeed none. Progressive farmers had been encouraged by both the Government and the farmers' union to provide better housing. The result was an improvement in the employer/employee relationship. On intercountry adoption, he said that the same criteria had to be satisfied by foreign adoptive parents as by those within the country. As for social drama, he said that cultural plays had been used most effectively to get health messages across. Such education was sometimes carried out in schools.

24. Mr. KOLOSOV asked whether, in view of the fact that the Zimbabwean defence forces might be used for peace-keeping operations, the army was aware of the Geneva Conventions and their additional protocols, as required under article 38 of the Convention.

25. Miss MASON said that, while infant mortality and morbidity were well documented in the report, there was little - apart from a description of the AIDS programme - about the health of older children. She asked for more details on teenage health and the incidence of teenage suicide. If such suicides occurred, had any research been done on their causes? She also wished to hear more about the child-to-child programme mentioned in paragraph 151 and wondered to what extent the children were counselled by their peers.

26. Mrs. SANTOS PAIS stressed that intercountry adoption held the risk that the adopted child was treated as a commodity; the interests of the child should always be paramount. She urged Zimbabwe to establish a system for monitoring schools in commercial farming areas. It appeared that not only

were facilities often bad, but children were often required to work on farms, thus being deprived of their childhood. She also advocated a health-monitoring system.

27. Mr. HAMMARBERG said that the Committee recognized the considerable progress made with regard to participation in education since independence ar the enlargement of the school system. Noting that 27 per cent of boys and 31 per cent of girls never completed primary education, he asked whether the Government was taking any particular measures to remedy that problem and to ensure that schools played a prominent role in promoting values, tolerance ar gender balance. He wondered whether there was a link between the fairly high number of drop-outs and the fact that schools did not provide sufficient quality education in those areas. He also wondered to what extent the Government had been considering that particular problem in a spirit of reform

28. Mr. STAMPS (Zimbabwe) said that the question of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption wa being referred to the Inter-Ministerial Committee.

29. The general teacher/pupil ratio was of the order of 1-40, which was relatively good for a developing country.

30. With regard to the armed forces, he said that with the assistance of donor agencies, training workshops in human rights and international humanitarian law were held for defence forces, police and prison officers. International peace-keeping soldiers from Zimbabwe were currently attending seminar organized by the ICRC in conjunction with the Swiss Government, and did so periodically in order to maintain their understanding of the Geneva Conventions.

31. With regard to school health initiatives, he said that Zimbabwean schoo had school health masters who conducted a Ministry of Health programme designed to promote understanding of health issues. The Ministry of Educati was mandated to produce a formal school health policy for 6- to 20-year-olds

32. With regard to exploitation of children by schools, he said that continuous labour as a condition for education was prohibited, but probably did occur in some remote areas.

The meeting was suspended at 4.40 p.m. and resumed at 4.55 p.m.

33. Mr. STAMPS (Zimbabwe) agreed that the drop-out rates of 27 and 31 per cent might seem to be high. However, the exponential growth in schoo enrolment, compounded by factors such as late school entry and so-called temporary withdrawals, made it difficult to determine the real drop-out rate There were also striking differences between urban and rural schools.

34. Mr. HAMMARBERG said he would like to know whether there had been any discussion concerning the aims and quality of education.

35. Mrs. KARP asked what measures were being taken to formalize pupil participation in school management. She also wondered whether a minor could apply for an HIV test without parental consent and, if the result was

positive, whether the minor would be informed by a social worker who would explain the situation to him. She would also like to know whether a child could apply for medical treatment of any kind without the consent of his parents, and, if so, whether the treatment would be given in a specific centre for youths or minors.

36. She asked what were the problems involved in ensuring that no minor was subjected to capital punishment.

37. Mrs. SANTOS PAIS wondered whether girls marrying below the age of 18 were considered as adults, in which case they would not be covered by the Convention and would probably be prevented from continuing with their education. She also understood that there were very few women teachers of technical subjects or mathematics so that girls were not encouraged to pursue studies in those fields. What action was being taken to ensure equality of opportunity in those respects? In that connection, she endorsed the recommendations of a 1993 ILO study concerning child labour and compulsory education.

38. With regard to juvenile justice, she thought that seven was an extremely low age for criminal responsibility. Although juvenile courts existed, the procedure applied to children was more or less the same as for adults. The Convention called for specific measures in the case of children. Safeguards such as the supervision of places of detention by an independent body were needed. Perhaps consideration could be given to expanding the competence of the ombudsman to that area. The Committee had been told that the review of placement in a remand home might take three years. In her view, three years was too long in the case of a child below the age of 18. Furthermore, she stressed the need to provide for the possibility of challenging such placement before a court.

39. Miss MASON said that she would like to know who was considered a minor in the light of paragraphs 23 and 24 of the report of Zimbabwe. According to paragraph 23, under the Legal Age of Majority Act and the Children's Protection and Adoption Act, a person under the age of 18 was a child. In paragraph 44, a distinction was made and she would like to know whether persons between 16 and 18 years of age were tried in the juvenile or adult court.

40. The Zimbabwe Constitution dealt with the right to receive and impart ideas and information without interference. Concomitant with the child's right of access to appropriate information was the child's right to be protected from materials that might be injurious to its moral health. She would like to know what legislative or other measures existed to prevent the possible exploitative use of children in pornographic performances and materials.

41. Sex tourism was another phenomenon that was slowly encroaching on the lives of children in the developing world. She would like to know whether it had reached Zimbabwe and, if so, what legislation had been enacted in order to prevent it and what other controls it had instituted in relation to sex tourism.

42. With regard to the question of refugee children, she wondered whether Zimbabwe was considering reviewing its reservation to the 1951 Geneva Convention concerning the equal treatment of such children in respect of primary education.

43. Mr. STAMPS (Zimbabwe), referring to the question of the participation children in the management of schools, said that elected prefects made a valuable contribution in alerting head teachers to the concerns of the pupi One result of their input had been an overall reduction in the amount of corporal punishment meted out. The Ministry of Education was currently concentrating on improving the quality of education and encouraged schools seek feedback by installing suggestion boxes and setting up think-tanks.

44. Parents were not necessarily involved in medical tests on children, although because of the nature of the primary health-care system a parent w often present anyway. In the case of HIV testing, parents would be involve if the result was positive, when their support would be needed. Medical treatment was not dependent on the approval of an adult.

45. Attitudes in Zimbabwe towards capital punishment were on the whole qu conservative, reflecting a growing concern over recidivist behaviour. An automatic appeal for clemency was made to the President on behalf of any offender aged 19 or below sentenced to life imprisonment for murder. Since 1980, one out of the eight such young offenders had been released after a successful petition. Not all young offenders were sent to prison; there wa special prison for offenders with mental problems. Inside prisons, young offenders were segregated from adult prisoners and were offered a range of education and training facilities. The prison service in Zimbabwe was designed to assist young offenders, not just to punish them.

46. Mrs. DHLEMBEU (Zimbabwe) said that children could be held in a place safety for up to 14 days before appearing in a juvenile court, while a probation officer looked for an alternative solution, such as returning the child to his or her parents, possibly under supervision; sometimes counsel would be considered sufficient. If no alternative could be found, the chi would appear before a juvenile court and could be placed in an institution The maximum length of time a child would have to wait for his or her case be reviewed was three years and, in the meantime, probation officers investigated alternative forms of care such as foster care, and the institution had to report to the Director of Social Welfare every year.

47. Mr. STAMPS (Zimbabwe) said there was a predominance of female teache all disciplines, and there were many female head teachers. A points syste had been set up to help more women to enter university, but it had proved unnecessary as women's academic results were enough to gain them entry. H was fairly certain that Zimbabwe's reservation on the Convention relating the Status of Refugees could be removed, as it had never been implemented; voluntary organizations had provided education in refugee camps in the refugees' own language.

48. Child prostitution and the sexual abuse of children were covered by Children's Protection and Adoption Act and the 1981 Criminal Law Amendment Act. The sale of children for the purposes of pornography or prostitution

not known in Zimbabwe, and would be totally contrary to tradition. The practice of girl-child pledging to appease the family of a murder victim (the so-called "homicide bride"), was now a criminal offence punishable by a heavy prison sentence, and the Government was doing all in its power to stamp it out.

49. There was no evidence of sex tourism in Zimbabwe. However, child pornography was reaching Zimbabwe from South Africa, and the Government took the right of children to protection from that very seriously, imposing prison sentences for first offenders.

50. Mrs. SANTOS PAIS (Rapporteur), introducing the preliminary conclusions of the Committee, said that in order to ensure the implementation of the rights recognized by the Convention, there was a need for greater coordination and more systematic collection of data, including data on children who were non-nationals or members of minorities.

51. The competence of the ombudsperson should be extended to cover children's rights, including their rights when held in detention.

52. There was a need for more systematic action to raise awareness of children's rights. Some prevailing attitudes needed to be changed, to end the practice of girl-child pledging for example. The campaign should also aim to raise children's own awareness of their rights, and children's rights should be systematically included in the training of professionals working with children.

53. Cooperation with non-governmental organizations was to be encouraged and, if possible, institutionalized.

54. Greater efforts were needed to ensure that resources were fairly allocated, especially to the most vulnerable children, such as girls, those in child-headed families and those in rural areas or on farms.

55. Amendments made to the Zimbabwean Constitution had been constructive, but a comprehensive study was needed to identify areas of legislation which could be improved, and to evaluate the negative effects of the coexistence of common and customary law. The recent amendment to the Constitution on the question of marriage was very encouraging. At the same time, it was important not to allow parental consultation to hamper the child's freedom to exercise his or her rights.

56. With regard to general principles, it was important to continue revising the Constitution or legislation to ensure that no derogation from the principle of non-discrimination against children was possible. Greater awareness was needed to ensure that the best interests of the child were always the primary consideration. It was also important to get across the message that respect for the views of children was not a threat to parents or adults but a way of helping them in their relationships with children.

57. She was confident that the Government would take the necessary steps to ensure that the registration of births took place as soon as possible after the birth.

58. The Committee felt that corporal punishment should be eradicated from the family, the school and the justice system.

59. In family law, it was necessary to recognize the joint and equal responsibility of the mother and father for bringing up children. There should be no difference whatsoever in the treatment of children on the basis of the marital status of the parents. There was a need to protect and support the family, especially the most vulnerable families, such as child-headed or single-parent families or those working on commercial farms.

60. Consideration should be given to ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

61. In the areas of health and education, it was again important to pay special attention to disadvantaged groups. Primary education should be compulsory and free, and secondary education should be made progressively available.

62. The recommendations of the International Labour Organization (ILO) on child labour should be implemented, with particular attention being paid to those working on farms or in domestic service.

63. In the area of juvenile justice, the age of criminal responsibility should be raised. Legislation should be passed which, by embodying the principles of the child's best interests, would prohibit indeterminate or life sentences being passed on juveniles. Alternatives to the institutionalized care of children should be explored, with an emphasis on the traditionally important role of the family.

64. The Committee encouraged Zimbabwe to drop its reservation to the 1951 Convention relating to the Status of Refugees.

65. Finally, it was to be hoped that the forthcoming World Congress on the Commercial Sexual Exploitation of Children would encourage Zimbabwe to take action to forestall the spread of sex tourism and the sexual exploitation of children.

The meeting rose at 6.10 p.m.